



David Holm  
Colorado Department of Public Health and Environment

## Introduction

Groundwater discharges to surface water require permits. EPA believes that seeps and springs will develop.

EPA stands firm with its support of the water quality goals for the Animas River downstream of Silverton, stream segment 4a. However we affirm that there are many parties responsible for striving to achieve this goal and Sunnyside Gold is only one of these stakeholders.

TMDL process/approach O K

Reclamation Performance Standards should include the elimination of stormwater discharges.

## ISSUES

1. As official documents, the three CPDS permits should be able to stand alone. This may result in some duplication of information in the consent decree and the permits. However, it will make the process work much better. Clear requirements for the reclamation permits. Landowners approval? Project substitution process.

The draft permit for the SGC mine remediation projects lacks specific conditions for environmental control. The draft permit only requires full implementation of the Mine Remediation Plan (MRP). It seems that criteria have not been established for the contents of a MRP. As written, the permit does not contain necessary technology based controls, and is unacceptable to EPA.

At a minimum, the draft permit for SGC must include requirements similar to the storm water management plans

(SWMPs) for inactive mines as drafted by CDPHE for the General Permit for Stormwater Discharge Associated with Metal Mining Operations and Mine-Waste Remediation (Permit Number COR-040000, Parts I.C.1 - I.C.6). A particular emphasis should be placed on erosion control during and after (re-vegetation) the remediation project.

Additional SWMP requirements related to plan preparation, implementation, retention, submittal, review, changes, non-stormwater discharges, inspections and SWMP availability must also be added to the permit.

The MRPs will need to be modified to be in compliance with these permit conditions. Review and approval of the work plans should be through the permit process rather than the consent decree.

2. When can SGC stop treating Cement Creek? How long do they need to meet the monthly average?
3. Permit termination process
4. Financial Assurance

The conditions upon which the State can draw on the surety and the purposes for which the State can use the surety funds are very restrictive. The funds can only be used if Sunnyside is bankrupt and discontinues treatment of water necessary to maintain water quality. The State should have access to the surety if Sunnyside fails to perform as required in the Consent Decree, no matter what the reason for the failure to perform. Use of the term bankrupt is ambiguous. What does become bankrupt mean? Does this mean Sunnyside has filed for bankruptcy, does it mean that Sunnyside has been adjudicated bankrupt by a court, or does it just mean Sunnyside is out of money? The State is restricted to use the surety funds only to enter and operate the treatment facility at the American Tunnel. The surety should be available to allow the State to complete any work Sunnyside is required to perform under the Consent Decree. For instance, if Sunnyside were to go bankrupt before they complete the A list projects, the surety should be available to complete these projects, if the State so chooses.